

DOCKET NO. LLI-CV21-6028332-S : SUPERIOR COURT

MARK BOUCHER, ET AL. : J.D. OF LITCHFIELD

V. : AT TORRINGTON

BROOKE NIHAN, ET AL. : DECEMBER 14, 2021

**NOTICE OF SERVICE**  
**INTERROGATORIES AND REQUESTS FOR PRODUCTION**

The undersigned Defendants hereby give notice that they are directing to the Plaintiffs, **MARK BOUCHER, and ANDREA BOUCHER** the following Interrogatories and Requests for Production, to be answered under oath, within sixty (60) days of the filing hereof.

THE DEFENDANTS,  
BROOKE NIHAN  
MARYBETH GRIFFIN

BY \_\_\_\_\_  
Thomas P. Mullaney 3<sup>rd</sup>  
Law Offices of Meehan, Roberts, Turret  
P.O. Box 6835  
Scranton, PA 18505-6840  
Tel. No. 203-294-7800  
Juris: 408308

**CERTIFICATION**

This is to certify that a copy of the foregoing was mailed, postage pre-paid, on December 14, 2021 to the following counsel of record and pro se parties:

**Attorney for PLAINTIFFS**

Nicholas N. Ouellette, Esq.  
836 Farmington Avenue  
Suite 137  
West Hartford, CT 06119

**Co-Attorney for DEFENDANTS**

Patrick E. Scully, Esq.  
Scully, Nicksa & Reeve, LLP  
79 Main Street  
PO Box 278  
Unionville, CT 06085-0278

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Thomas P. Mullaney 3<sup>rd</sup>  
Commissioner of the Superior Court

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**DEFENDANT'S INTERROGATORIES**

The undersigned Defendant(s) hereby propound(s) the following Interrogatories to be answered by the Plaintiffs, **MARK BOUCHER and ANDREA BOUCHER** under oath, within thirty (30) days of the filing hereof insofar as the disclosure sought will be of assistance in the defense of this action and can be provided by the Plaintiff with substantially greater facility than could otherwise be obtained.

1. Please state the following:
  - (a) your full name and any other name(s) by which you have been known;
  - (b) your date of birth;
  - (c) your home address;
  - (d) your business address
  - (e) your occupation

**ANSWER:**

- (a)
- (b)
- (c)
- (d)
- (e)

2. With regard to the property which you alleged was damaged, please state your interest or holding in the property at the time of the alleged damage.

**ANSWER:**

3. Please state the following regarding the alleged damage which you claimed was done to the subject property:

- (a) a specific description of the property damaged;
- (b) indicate the specific areas and location in which the damage allegedly occurred;
- (c) the amounts of said damage.

**ANSWER:**

- (a)
- (b)
- (c)

4. As to the incident alleged in your Complaint, please state:

- (a) the date the alleged damage occurred;
- (b) the time of day that the alleged damage occurred on such date;
- (c) the portion of property that was allegedly damaged.

**ANSWER:**

- (a)
- (b)
- (c)

5. With regard to all replacements, modifications or estimates for same of the property complained of, or any part thereof, please state:

- (a) the date of each;
- (b) the name and address of each person, firm, or organization performing each;
- (c) identify all expenses incurred or to be incurred in connection with each;
- (d) identify all documents regarding each installation, replacement, maintenance or repair identified herein.

**ANSWER:**

- (a)
- (b)
- (c)
- (d)

6. Did you ever contact any of this Defendant's agents, servants or employees and make known any complaint(s) of damage.

**ANSWER:**

7. If your answer to the preceding interrogatory is in the affirmative, please state:

- (a) the date and time the complaint(s) was(were) made;
- (b) the form of the communication (i.e., whether spoken, written, and/or made by telephone);
- (c) the person(s) to whom the communication was made.

**ANSWER:**

- (a)
- (b)

(c)

8. During a period of five years prior to the alleged damage, state whether any modifications, cuttings, trimming, treatments, or other work done to the trees you claim were removed and resulted in your damages. made by or for you specifying in as much as possible and including the name or names of contractors who made such repairs or alterations.

**ANSWER:**

9. Have you ever had an appraisal of the damage to the subject property. If so, please specify the name and address of the party that performed said appraisal and the date said appraisal was performed.

**ANSWER:**

10. Itemize each and every element of actual damage suffered, as claimed in your Complaint relevant to this matter.

**ANSWER:**

11. List each item of expense which you claim to have incurred as a result of the incident alleged in your Complaint, the amount thereof and state the name and address of the person or organization to whom each item has been paid or is payable.

**ANSWER:**

12. Identify each item of expense, if any, or portion thereof for which you have been reimbursed or which is reimbursable by an insurer, indicating the name of the insurer that made such payment or reimbursement or which is responsible for such reimbursement.

**ANSWER:**

13. State the names and addresses of all persons known to you who were present with you at the time of the incident alleged in your Complaint or who observed or witnessed all or part of the alleged damage.

**ANSWER:**

14. As to each individual named in response to Interrogatory #13, state whether to your knowledge, or to the knowledge of your attorney, such individual has given any statement or statements as defined in the Connecticut Practice Book concerning the subject matter of your Complaint or alleged damage. If your answer to this Interrogatory is affirmative, state also:

- (a) the date on which statement or statements were taken;
- (b) the names and addresses of the person or persons who took such statement or statements;
- (c) the names and addresses of any persons present when such statement or statements were taken;
- (d) whether such statement or statements were written, made by recording device, or taken by court reporter or stenographer;
- (e) the name and address of each person having custody or a copy or copies of such statement or statements.

**ANSWER:**

- (a)
- (b)
- (c)
- (d)
- (e)

15. Please identify, by stating the name and address, any person, other than an expert who will not testify at trial, who took or prepared any and all of the following photographs in



your possession or control or in the possession and control of your attorney, and state the dates on which such photographs were prepared:

- (a) photographs depicting the alleged damage;
- (b) state the number of photographs taken;
- (c) state the date on which each of the photographs were taken.

**ANSWER:**

- (a)
- (b)
- (c)

16 Have you received any money in compensation for injury, losses or damages from the alleged incident and, if so, state:

- (a) the amounts received;
- (b) the date this compensation was received;
- (c) the name and address of the person, firm or organization who paid each amount.

**ANSWER:**

- (a)
- (b)
- (c)

17. Have you signed a covenant not to sue, a release or discharge of any claim you had, have or may have against any person, corporation, or other entity, as a result of the incident alleged in your Complaint?

**ANSWER:**

18. If you have, please state in whose favor it was given, the date thereof, and the consideration paid to you for giving it.

**ANSWER:**

19. State the names and addresses of all experts whom you intend to call as an expert witness at trial.

**ANSWER:**

20. For each witness identified in response to Interrogatory #19, state:

- (a) the subject matter on which each expert witness is expected to testify;
- (b) the substance of the facts and opinions to which each expert witness is expected to testify;
- (c) a summary of the grounds for each opinion of each expert witness expected to testify.

**ANSWER:**

- (a)
- (b)
- (c)

21. With respect to the "Boucher Property" as described in the Complaint, state:

- (a) Has that property, within the last twenty years (20) been the subject of an "A-(2)" or similar formal Property Survey to establish, among other things, the boundaries or "metes and bounds" of same;
- (b) If yes, identify by name, company address and phone the Surveyor performing the Survey;
- (c) If yes, identify all persons and/or entities having a copy of said Survey;

- (d) If yes, please indicate whether any such Survey is available as a “Public Record” with the records of the Town of Harwinton.

**ANSWER:**

- (a)
- (b)
- (c)
- (d)

22. With respect to the “Boucher Property” and its “wooded wetlands area” as described in the Complaint, at any time at on after the events described in the Complaint, state:

- (a) Have plaintiffs had any correspondence or communications with any governmental organization, Department or Agency, local, state or federal, concerning the described “wooded wetlands area;”
- (b) Have plaintiffs had any correspondence or communications with any governmental organization, Department or Agency, local, state or federal, concerning the removal of trees from the described “wooded wetlands area;”
- (c) If yes, how many such communications and of what general nature, e. g. written, electronic or verbal, and reports, inquiries, investigations and/or enforcement actions;
- (d) Is the “wooded wetlands area” currently under any active investigation or enforcement inquiry, of any kind, by any local, state or federal Agency, organization or Department;
- (e) Are plaintiffs under any Order of any local, state or federal organization, Department or Agency to perform any “remediation” by reference to paragraphs 15 and 16 of their Complaint;

**ANSWER:**

- (a)
- (b)
- (c)
- (d)
- (e)

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**DEFENDANT'S REQUESTS FOR PRODUCTION**

A. The Defendants hereby request(s) that the Plaintiffs, **MARK BOUCHER and ANDREA BOUCHER** provide counsel for the Defendants with copies of the documents described in the following Requests for Production, or afford counsel for said Defendant(s) the opportunity or, where requested, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents.

1. Copies of all documents referred to in responding to the above Interrogatories.

**ANSWER:**

2. Copies of any documents referred to in response to interrogatory # 5.

**ANSWER:**

3. Copies of any appraisals referred to in response to interrogatory # 9.

**ANSWER:**

4. Copies of any photographs referred to in response to interrogatory # 15.

**ANSWER:**

5. Copies of any statements related to the subject incident or claimed damage.

**ANSWER:**

6. Copies of any documents related to responses to Interrogatory 21.

**ANSWER:**

7. Copies of any documents related to responses to Interrogatory 22.

THE DEFENDANTS,  
NIHAN AND GRIFFIN

BY

\_\_\_\_\_  
Thomas P. Mullaney 3<sup>rd</sup>  
Law Offices of Meehan, Roberts, Turret  
P.O. Box 6835  
Scranton, PA 18505-6840  
Tel. No. 203-294-7800  
Juris: 408308

**CERTIFICATION**

This is to certify that a copy of the foregoing was mailed, postage pre-paid, on December 14, 2021 to the following counsel of record and pro se parties:

**Attorney for PLAINTIFFS**

Nicholas N. Ouellette, Esq.  
Kurien Ouellette LLC  
836 Farmington Avenue  
Suite 137  
West Hartford, CT 06119

**Attorney for DEFENDANTS**

Patrick E. Scully, Esq.  
Scully, Nicksa & Reeve, LLP  
79 Main Street  
PO Box 278  
Unionville, CT 06085-0278

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Thomas P. Mullaney 3<sup>rd</sup>  
Commissioner of the Superior Court

**PLAINTIFF'S CERTIFICATION**

I, **MARK BOUCHER**, hereby certify that I have reviewed the above Interrogatories and Requests for Production and responses thereto and that they are true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
Mark Boucher

Subscribed and sworn to before me this \_\_\_\_\_, day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Commissioner of the Superior Court/  
Notary Public